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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

KAREN LYNNE VAN WIE,

Debtor.

Proceedings in Chapter 13

No. 4:07-00469 TUC EWH

JPMORGAN CHASE BANK, N.A.,

Movant,

vs.

KAREN LYNNE VAN WIE, Debtor, and
DIANNE C. KERNS, Trustee,

Respondents.

MOTION FOR PRE-CONFIRMATION
ADEQUATE PROTECTION AND
INTERIM COMPENSATION

JPMORGAN CHASE BANK, N.A., (hereinafter "Movant" or "Chase") by and through its attorneys, Patricia Doyle-Kossick, P.L.C., hereby requests adequate protection of its secured claim pursuant to 11 U.S.C. §363(e). In support of its Motion, Chase represents as follows:

1. The Debtor filed a chapter 13 bankruptcy on March 26, 2007.

2. Chase is the secured creditor on the Debtor's 2004 Toyota Rav4, VIN JTEGD20V540040554. Movant has a valid and perfected lien on this property for the

1 outstanding principal balance of \$6,694.83, plus accrued and accruing interest, costs and
2 attorneys' fees. True and correct copies of the Promissory Note, Consumer Security
3 Agreement and Arizona Department of Transportation Certificate of Title evidencing the
4 above-described secured indebtedness are attached hereto as Exhibits "A", "B" and "C" and
5 are by this reference incorporated herein.

6 3. The Debtor's amended chapter 13 plan was filed on July 3, 2007. As of the
7 date of filing this motion, the Debtor' chapter 13 plan has not been confirmed.

8 4. The Debtor's account with Chase is delinquent. Chase is not receiving any
9 compensation to protect against the depreciation of the property.

10 5. The chapter 13 plan values Chase's secured claim in the full amount of the
11 debt owed to Chase. The value of the 2004 Toyota Rav4 is \$17,780.00. The plan does not
12 propose any adequate protection to Movant.

13 6. Section 1326(a)(1)(C) requires that adequate protection shall commence "not
14 later than 30 days after the date of the filing of the plan or the order for relief, whichever is
15 earlier." Chase requests adequate protection in the amount of one percent of the value of the
16 secured claim to be paid inside the plan, \$178.00, be paid to Chase immediately, beginning
17 from the first plan payment received by the Trustee and continuing until Chase begins to
18 receive its usual plan payments on its secured claim.

19 7. Any adequate protection payments received by Chase will be credited towards
20 the amount of Chase's secured claim to be paid through the plan. Chase further requests that
21 in the event that the case is either dismissed or converted, any adequate protection payments
22 that have been accumulated by the trustee on behalf of Chase, shall be paid to Chase in the
23 accumulated amount, except that in the event that there is insufficient funding to pay the
24 adequate protection and administrative claims, that the adequate protection and administrative

1 claims shall be paid pro rata. The trustee shall be entitled to her statutory fee for any adequate
2 protection payments paid.

3 WHEREFORE, JPMorgan Chase Bank, N.A., requests that the Court enter its order
4 granting the following relief:

5 1. Granting JPMorgan Chase Bank, N.A. adequate protection in the amount of
6 \$178.00 per month, retroactive back to the first plan payment, and continuing until Chase's
7 secured claim begins to receive its regular plan payments, or until the case is dismissed or
8 converted;

9 2. The trustee's office shall immediately disburse the adequate protection to Chase,
10 even prior to confirmation. If the case is either dismissed or converted, any adequate
11 protection payments that have been accumulated by the trustee on behalf of Chase, shall be
12 paid to Chase in the accumulated amount.

13 3. For such other and further relief as is just and equitable.

14 RESPECTFULLY SUBMITTED this 31st day of July, 2007.

15 PATRICIA DOYLE-KOSSICK, P.L.C.
16 /s/ Patricia Doyle-Kossick SBN 010217
17 PATRICIA DOYLE-KOSSICK
18 Attorney for Movant

19 Copy of the foregoing mailed
20 the 31st day of July, 2007 to:

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4 /s/ Patricia Doyle-Kossick
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